

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU



GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Notification

1/16/76-PER

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs' Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'B' Gazetted and Group 'B' Non-gazetted posts of Information Officer and Assistant Information Officer in the Directorate of Information under the Government of Goa, Daman and Diu.

1. *Short title.*—These rules may be called Government of Goa, Daman and Diu, Directorate of Information Group 'B' Gazetted, Group 'B' Non-gazetted posts of Information Officer and Assistant Information Officer Recruitment Rules, 1982.

2. *Application.*—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. *Number, classification and scales of pay.*—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. *Method of recruitment, age limit and other qualifications.*—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

5. *Disqualification.*—No person (1) who has entered into or contracted a marriage with a person having a spouse living; or (2) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service; provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

7. *Saving.*—Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

8. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

9. These rules are issued in supersession of the recruitment rules existing for the posts and with the approval of the UPSC granted vide letter No. F.3/29(10)/79-RR dated 22-12-1981.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).
Panaji, 16th March, 1982.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether benefit of added years of Service admissible under rule 20 of the C. C. S. (Pension) Rules, 1972.	Educational and other qualifications required for direct recruits	Whether age and Educational Qualifications prescribed for the direct recruit will apply in the case of promoted	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	(6a)	7	8	9	10	11	12	13
1. Information Officer. (1981)	*2	General Central Service Group 'B' Ga-zetted.	Rs. 650- -30-740- -35-810- -EB-35- -880-40- -1000- -EB-40- -1200.	Selection.	Not exceeding 30 years. (Relaxable upto 5 years for Government Servants).	No	Essential: i) Degree of a recognised University or equivalent. ii) 4 years' experience of Journalistic/audio-visual/publicity work under Government or in a newspaper/news agency/publicity organisation of standing.	Age: No EQ: Yes	2 years	By promotion failing which by transfer on deputation and failing both by direct recruitment.	Promotion: Assistant Information Officers with 3 years' regular service in the grade.	Group 'B' DPC 1. Chief Secy.-Chairman. 2. Administrative Secy. - Member. 3. Head of Deptt. - Member.	Consultation with Union Public Service Commission necessary while making direct recruitment selecting an officer for appointment, on deputation and amending/relaxing any of the provisions of these rules.

(Period of deputation shall ordinarily not exceed 3 years).

Promotion: — do — — do —

Information Assistant with 5 years regular service in the grade.

Transfer on deputation:

a) Officers from the Central/State Governments, and Union Territories;

i) holding analogous posts; or

ii) with 5 years' service in posts in the scale of Rs. 425-700 or equivalent; and

b) possessing the educational qualifications and experience laid down for direct recruits under Column 7.

(Period of deputation shall ordinarily not exceed three years).

Essential

i) Degree of a recognised University or equivalent.

ii) 2 years' experience of Journalistic/audio-visual/publicity work under Government or in a newspaper/news agency/publicity organisation of standing.

tion failing which by transfer on deputation and failing both by direct recruitment.

(ii) 50% by direct recruitment.

Note 1: Qualifications are relaxable at the discretion of the U.P. S.C. in case of candidates otherwise well qualified.

Note 2: The qualification(s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Castes and Scheduled Tribes if, at any stage of selection, the U.P.S.C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable:

- i) Degree/Diploma in Journalism of a recognised University/Institution or equivalent.
- ii) Knowledge of Marathi, Konkani or Gujarati.

* Subject to variation dependent on workload.

Law Department (Legal Advice)

Drafting Section

Notification

LD/5/3/82(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 13th day of January, 1982 and assented to by the Administrator of this Union territory on 23-3-1982, is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 3rd April, 1982.

The Goa, Daman and Diu Entertainment Tax (Amendment) Act, 1982

(Act No. 3 of 1982)

AN

ACT

further to amend the Goa, Daman and Diu Entertainment Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa, Daman and Diu Entertainment Tax (Amendment) Act, 1982.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.— In section 2 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (2 of 1964) (hereinafter referred to as the principal Act),—

(i) for clause (b) the following shall be substituted, namely:—

“(b) “Commissioner” means the Commissioner of Entertainment tax appointed under sub-section (1) of section 2A;”;

(ii) in clause (f),—

(a) after the words “payment for admission” and before the word “includes”, the words “means the amount paid for admission and” shall be inserted;

(b) in sub-clause (iv) the following note shall be inserted at the end, namely:—

Note.— “payment for admission” does not include any amount collected by way of tax under this Act provided such amount is separately shown on the ticket issued for admission.”.

3. Insertion of new section 2A.— After section 2 of the principal Act, the following section shall be inserted, namely:—

“2A. Taxing Authorities.— (1) The Government shall appoint an officer to be called the

Commissioner of Entertainment Tax for carrying out the purposes of this Act.

(2) The Government shall appoint an Assistant Commissioner of Entertainment Tax and such number of Entertainment Tax Officers as it deems necessary to assist the Commissioner in the execution of his functions under this Act.

(3) The Commissioner may appoint such number of, —

(a) Assistant Entertainment Tax Officers;

(b) Entertainment Tax Inspectors; and

(c) Other officers and such ministerial staff as he thinks necessary to assist him in the execution of his functions under this Act.

(4) The Commissioner and all other officers and persons appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.”.

4. Amendment of section 7.— For section 7 of the principal Act, the following section shall be substituted, namely:—

“7. Recoveries.— Any amount of tax, penalty or interest which remain unpaid after the date specified in the respective order and any other sum due under this Act shall be recoverable as an arrear of land revenue under the law for the time being in force.”.

5. Amendment of section 8.— For sub-section (2) of section 8 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) Subject to the provisions contained in sub-section (1) of section 12, whoever contravenes any of the provisions of this Act, shall, on conviction before a Magistrate, be punishable with simple imprisonment which may extend to six months or with fine or with both, and when the offence is a continuing one, with a daily fine not exceeding fifty rupees during the period of the continuance of the offence.”.

6. Amendment of section 9.— In section 9 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

“(a) Where the offence consists of the failure to pay or the evasion of, any tax or any other sum payable under this Act, in addition to the amount so payable, a sum of money not exceeding the amount equal to the amount so payable; and”.

7. Amendment of section 10.— For sub-section (2) of section 10 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) The Commissioner may, by order in writing and subject to such restrictions and conditions as may be specified therein delegate any of his powers under this Act to any officer subordinate to him.”.

8. Insertion of new section 12A.— After section 12 of the principal Act, the following section shall be inserted, namely:—

“12A. Limitation for taking cognizance of offences.— Notwithstanding anything to the

contrary in any other law relating to the period of limitation for the cognizance of offences, the court shall take cognizance of any offence under this Act, or under the Rules made thereunder within a period of one year from the date of commitment of such offence."

U. D. SHARMA

Secretariat, Secretary to the Government
Panaji, of Goa, Daman and Diu,
Law Department (Legal Advice)

Dated: 3rd April, 1982.

Notification

LD/5/7/82(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on 24th day of March, 1982 and assented to by the Administrator of Goa, Daman and Diu on 27-3-1982 is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 29th March, 1982.

THE GOA, DAMAN AND DIU SUPPLEMENTARY APPROPRIATION ACT, 1982

(Act No. 4 of 1982)

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1981-82.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-third Year of the Republic of India as follows:—

1. Short title.— This Act may be called the Goa, Daman and Diu Supplementary Appropriation Act, 1982.

2. Issue of Rs. 15,39,55,501 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1981-82.— From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of fifteen crores thirty nine lakhs fifty five thousand five hundred and one rupees towards defraying the several charges which will come in course of payment during the financial year 1981-82 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.— The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the ser-

vices and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE
(See Sections 2 and 3)

No. of Demand	Services and purposes	Voted by Assembly	Sums not exceeding	
			Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total
1	2	3	4	5
1.	Union Territory Legislature and Elections	—	23,000	23,000
2.	Miscellaneous General Services ...	14,52,000	78,000	15,30,000
3.	Administration of Justice	1,38,000	1,12,000	2,50,000
5.	State Excise, Sales Tax and Other Taxes and Duties ...	1,15,000	—	1,15,000
—	Appropriation — Interest Payments ...	—	1,69,87,000	1,69,87,000
7.	Police and Fire Services	37,34,000	—	37,34,000
8.	Jails	50,000	—	50,000
9.	Stationery and Printing	10,00,000	—	10,00,000
12.	Public Works, Housing and Urban Development	1,03,28,000	5,81,500	1,09,09,500
13.	Roads and Bridges	74,22,000	78,000	75,00,000
14.	Education, Art and Culture	1,17,71,000	—	1,17,71,000
15.	Medical, Family Welfare and Public Health, Sanitation and Water Supply	1,82,13,000	6,05,001	1,88,18,001
16.	Information and Publicity	9,45,000	—	9,45,000
17.	Labour and Employment	32,59,000	—	32,59,000
18.	Social Security and Welfare, Relief on account of Natural Calamities and Food	81,43,000	—	81,43,000
19.	Cooperation and Community Development	13,66,000	—	13,66,000
21.	Agriculture and Allied Services ...	70,74,000	18,000	70,92,000
22.	Irrigation and Power Projects	3,65,38,000	—	3,65,38,000
23.	Industries	1,42,82,000	—	1,42,82,000
24.	Road and Water Transport Services (including Ports) ...	85,45,000	—	85,45,000

1	2	3	4	5
		Rs.	Rs.	Rs.
25. Tourism	...	10,67,000	—	10,67,000
— Appropriation—Public Debt	...	—	31,000	31,000
Total	...	13,54,42,000	1,85,13,501	15,39,55,501

U. D. SHARMA
Secretary to the Government
of Goa, Daman and Diu
Law Department
(Legal Advice)

Secretariat,
Panaji.
Dated: 29th March, 1982.

Notification

LD/5/7/82(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on 29th day of March, 1982 and assented to by the Administrator of Goa, Daman and Diu on 30-3-1982 is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 30th March, 1982.

**THE GOA, DAMAN AND DIU APPROPRIATION
(VOTE ON ACCOUNT) ACT, 1982**

(Act No. 5 of 1982)

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services of a part of the Financial Year 1982-83.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-third Year of the Republic of India as follows:—

1. **Short title.**— This Act may be called the Goa, Daman and Diu Appropriation (Vote on Account) Act, 1982.

2. **Withdrawal of Rs. 45,24,63,000 from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1982-83.**— From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be withdrawn sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of Rupees forty five crores, twenty four lakhs and sixty three thousand towards defraying the several charges which will come in course of payment during the financial year 1982-83.

3. **Appropriation.**— The sum authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See Sections 2 and 3)

No. of Demand	Services and purposes	Voted by Assembly	Sums not exceeding	
			Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total
1.	2	3	4	5
		Rs.	Rs.	Rs.
1.	Union Territory Legislature and Elections	4,97,000	15,000	5,12,000
2.	Miscellaneous General Services	52,68,000	2,13,000	54,81,000
3.	Administration of Justice	9,20,000	2,60,000	11,80,000
4.	Land Revenue, Stamps and Registration	8,83,000	—	8,83,000
5.	State Excise, Sales Tax and Other Taxes and Duties	12,58,000	—	12,58,000
6.	Taxes on Vehicles	2,44,000	—	2,44,000
—	Appropriation—Interest Payments	—	2,90,84,000	2,90,84,000
7.	Police and Fire Services	90,90,000	—	90,90,000
8.	Jails	5,15,000	—	5,15,000
9.	Stationery and Printing	16,83,000	—	16,83,000
10.	Other General and Economic Services	15,90,000	—	15,90,000
11.	Pension	40,67,000	—	40,67,000
12.	Public Works, Housing and Urban Development	3,42,69,000	18,000	3,42,87,000
13.	Roads and Bridges	1,88,33,000	—	1,88,33,000
14.	Education, Art and Culture	5,16,80,000	—	5,16,80,000
15.	Medical, Family Welfare and Public Health, Sanitation and Water Supply	5,08,32,000	—	5,08,32,000
16.	Information and Publicity	6,50,000	—	6,50,000
17.	Labour and Employment	27,83,000	—	27,83,000
18.	Social Security and Welfare, Relief on account of Natural Calamities and Food	3,80,30,000	—	3,80,30,000
19.	Cooperation and Community Development	74,23,000	—	74,23,000
20.	Agriculture and Allied Services	3,17,23,000	—	3,17,23,000
21.	Irrigation and Power Projects	10,62,54,000	—	10,62,54,000
22.	Industries	60,04,000	—	60,04,000
23.	Road and Water Transport Services (including Ports)	68,79,000	—	68,79,000

1	2	3	4	5
		Rs.	Rs.	Rs.
24. Tourism	39,83,000	—	39,83,000	
Appropriation — Public Debt	—	3,55,15,000	3,55,15,000	
25. Loans and Advances by the Union Territory Governments ...	20,00,000	—	20,00,000	
Total ...	38,73,58,000	6,51,05,000	45,24,63,000	
Revenue ...	22,83,33,000	2,95,90,000	25,79,23,000	
Capital (including Loans) 15,90,25,000	3,55,15,000	19,45,40,000		

(U. D. SHARMA)

Secretariat, Secretary to the Government
 Panaji, of Goa, Daman and Diu
 Law Department (Legal Advice).

Dated: 30th March, 1982.

Legislative Assembly of Goa, Daman and Diu
 Legislature Department

LA/B/7/590/82

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 31st March, 1982 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Protection of Land Bill, 1982

(Bill No. 5 of 1982)

A BILL

to provide for the protection of Agricultural lands from mining rejects.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-third Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa, Daman and Diu Protection of Land Act, 1982.

(2) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) "Administrative Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965 (6 of 1965);

(b) "agriculture", with its grammatical variations and cognate expressions, means raising of useful valuable products including food and cash crops which derive nutriment from the soil with the aid of human labour and skill and includes horticulture, forestry, dairy farming, poultry farming, stock breeding and grazing;

(c) "competent authority" means any officer appointed by the Government to be the competent authority for the purpose of this Act;

(d) "land" means land used for agriculture;

(e) "occupant" means the person in actual possession of land other than a Government lessee;

(f) "owner" means a person from whom an occupant holds land on lease;

(g) "Prescribed" means prescribed by rule made under this Act;

(h) "reject" means earth or any other material excavated in any mining area, the waste from a factory and includes any other material as may be notified by the Government, from time to time, which is likely to cause damage to the land or which is likely to adversely affect the productivity of the land.

3. Prohibition of dumping of reject.— No person shall dump or stock or allow any other person to dump or stock any reject in any land or near any land, in such a manner that such rejects may flow into the land, washed by rain water into the land or in any manner adversely affect or endanger the productivity of the land.

4. Compensation for loss caused due to dumping of rejects.— Whoever causes any damage to the land or any crop standing thereon by contravening the provisions of section 3 shall be liable to pay to the owner or occupant of the land or both of them compensation as may be decided by the competent authority.

5. Application for compensation.— (1) An owner or an occupant of the land which has suffered damage on account of violation of provisions of section 3 by another person, may make an application for determination and payment of compensation, to the competent authority.

(2) The application under sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) The competent authority shall, on receipt of an application under sub-section (1), serve a notice on all interested parties in such manner as may be prescribed.

(4) The competent authority shall after hearing all the interested persons, by an order, fix the compensation if any, for the damage caused to the land and also determine the person or persons who shall be responsible for payment thereof.

6. Appeal.— (1) Any person aggrieved by an order of the competent authority may prefer an appeal to the Administrative Tribunal within thirty days of communication of such order.

(2) An appeal preferred under sub-section (1) shall be accompanied with such fees as may be prescribed.

(3) The order of the Administrative Tribunal in appeal shall be final and binding on the parties.

(4) The Administrative Tribunal shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while disposing of an appeal.

7. Operation of the Act. — The provisions contained in this Act shall operate notwithstanding any other provision to the contrary contained in any other law for the time being in force.

8. Removal of rejects existing before the commencement of this Act. — (1) If any dumping or stocking of any rejects has been done prior to coming into force of this Act but which contravenes the provisions of section 3 shall be removed by the person who has or on whose behalf such dumping or stocking has been done within ninety days of coming into force of this Act.

(2) If any person fails to comply with provisions of sub-section (1) the owner or occupant of the land which is affected by such dumping or stocking shall be entitled to move the competent authority for determination and payment of compensation under section 5.

9. Recovery of sums due. — Any sum awarded as compensation under this Act shall be recoverable as an arrear of land revenue.

10. Authority to decide whether any material is a reject or not. — If any question arises as to whether any material dumped or stocked or allowed to flow into the land is a reject or not it shall be decided by the competent authority.

11. Penalty. — If any person wilfully contravenes any of the provisions of this Act shall, on conviction, be punishable with imprisonment which may extend to one year or with fine which may extend to twenty five thousand rupees or with both.

12. Power to make rules. — The Government may, subject to the condition of previous publication, make rules for the purposes of giving effect to this Act.

Statement of Objects and Reasons

It is well known that, in this territory, on account of hapazard dumping of ores in mining areas and also the rejects, the agricultural lands are being damaged due to the inflow of such ores and other rejects. This has adversely affected the productivity of the soil. No doubt, the mining industry which is earning crores in foreign exchange has to exist. But, at the same time we have to take care of agriculturists also. The present Bill seeks to provide for compensation to the affected agriculturists. No doubt even today an agriculturist who suffers damages can move competent Court of Law. But, this is a lengthy procedure. The Bill seeks to minimize the delays for finalizing and determination of compensation. It also provides for levy of penalty for failure to comply with its provisions.

Financial Memorandum

No financial implications are involved in the present Bill as the existing machinery can administer the same.

Note on Delegated Legislation

Clause 12 of the Bill enables the Government to frame rules for the purpose of giving effect to pro-

visions of the Bill. This delegation is of normal character.

Panaji,
8th March, 1982

LUIZINHO FALEIRO
M. L. A.

Assembly Hall,
Panaji,
15th March, 1982.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu.

LA/B/7/591/82

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 31st March, 1982 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Official Language Bill, 1982
(Bill No. 6 of 1982)

A BILL

to declare the Official language for the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-third Year of the Republic of India as follows: —

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Official Language Act, 1982.

(2) It extends to the whole of the district of Goa of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. Definitions. — In this Act, unless the context otherwise requires: —

(a) "Government" means the Government of Goa, Daman and Diu;

(b) "Konkani" means the konkani language in Roman and Devanagari Script.

(c) "notification" means a notification published in Official Gazette.

3. Official language for the official purposes of the Union territory. — Subject to the provisions to this Act, Konkani shall be the language to be used for all official purposes of the Union territory except such purposes as the Government may, from time to time, by notification, specify.

4. Laying of notification on the table of the Legislative Assembly. — Every notification issued under this Act shall be laid, as soon as may be after it is issued, on the table of the Legislative Assembly while it is in session for a period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agree

in making any modification in the notification or agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that notification.

Statement of Objects and Reasons

Section 34 of the Government of Union Territories Act, 1963 provides that the Legislative Assembly of a Union territory may by law adopt any language in use in the Union territory as the Official language.

Konkani has always been and is the spoken language by all Goans from all walks of life. Konkani has also been recognized in 1975 by Sahitya Academy. There is a growing urge amongst the people of Goa to give official recognition to Konkani and have it included in the 8th Schedule of our Constitution. People, more than ever before are also looking for a unifying force and distinct identity towards the road for statehood.

It is therefore, fitting that Konkani be adopted as the Official language.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to exempt the use of Official language for such purposes as it may specify by notification. This delegation is proposed since the declaration of any official language creates difficulties in the functioning of the Government. The delegation is of normal character.

Panaji,
20th March, 1982.

HERCULANO DOURADO
M.L.A.

Assembly Hall,
Panaji,
23rd March, 1982.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu

LA/B/7/589/82

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 31st March, 1982 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Preservation of Trees Bill, 1982
(Bill No. II of 1982)

A
BILL

*to provide for the preservation of trees in the Union
territory of Goa, Daman and Diu.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows —

CHAPTER I

Preliminary

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu Preservation of Trees Act, 1982.

(2) It shall extend to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. **Definitions.** — In this Act, unless the context otherwise requires, —

(a) "Appellate Authority" means an authority appointed by the Government as appellate authority under this Act;

(b) "blank area" means any piece of land (not being under cultivation) measuring one-half of an hectare or more, which has five or less number of trees growing on it;

(c) "Conservator of Forests" means Conservator, Forests, Goa, Daman and Diu;

(d) "Deputy Conservator of Forests" means Forest Officer in-charge of a Forest Division and exercising jurisdiction over the area;

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "Government garden" means a piece of land belonging to the Government which is used for growing flowers, fruits or vegetables or for planting or raising trees of any kind and includes a grove land belonging to the Government;

(g) "notification" means a notification published in the Official Gazette;

(h) "rural area" means an area as specified in Schedules I and II;

(i) "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner;

(j) "tree" means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimetre in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level and include palms, bamboos, stumps, brush woods, canes and seedlings of such trees;

(k) "Tree Officer" means a Forest Officer appointed as such by the Conservator of Forests for the purposes of this Act;

(l) "urban area" means an area comprised in a Municipality and includes such area as may be notified as urban area by the Government from time to time for the purpose of this Act;

(m) "wood lot" means any piece of land of which trees form the main crop, the number of such trees in each hectare being not less than twenty five;

(n) "prescribed" means prescribed by rules made under the Act;

(o) words and expressions used in this Act and defined in the Indian Forest Act, 1927, but not

defined in this Act, shall have the meanings respectively assigned to them in that Act;

CHAPTER II

Tree Authority

3. Establishment of the Tree Authority. — (1) The Government shall, by notification, constitute a Tree Authority for each revenue district in the Union territory of Goa, Daman and Diu.

(2) The Tree Authority shall consist of the following members, namely:—

(i) Collector of the concerned revenue District — Chairman.

(ii) Director of Agriculture or his nominee — Member.

(iii) The Chief Town Planner or his nominee — Member.

(iv) The Chief Engineer, Public Works Department or his nominee — Member.

(v) The Chief Engineer Irrigation Department or his nominee — Member.

(vi) The Chief Electrical Engineer or his nominee — Member.

(vii) President(s) of Municipal Councils within the concerned District or his/their representative(s) or the Administrator thereof, as the case may be — Member(s).

(viii) Chairmen of the Block Advisory Committee(s) in the District or their representatives — Members.

(ix) Conservator of Forests or his nominee — Member-Secretary.

(3) The Tree Authority may co-opt as members in such manner and for such period as it may determine not more than three representatives of non-official organisations having special knowledge or practical experience in the preservation of trees.

4. Meetings of the Tree Authority. — (1) The Tree Authority shall meet at least once in three months at such place and time as the Chairman may decide.

(2) The quorum to constitute a meeting of the Tree Authority shall be one third of the total number of its members.

(3) No co-opted member shall have the right to vote at a meeting.

CHAPTER III

Officers and Servants

5. Appointment of Tree Officer. — The Conservator of Forests may, subject to the provisions of sub-section (2), appoint one or more Forest Officers of a rank not below that of a Deputy Conservator of Forests, as Tree Officers for the purpose of this Act.

6. Appointment of other Officers. — The Conservator of Forests may, from time to time, appoint such other officers and servants as he may consider necessary who shall be subordinate to the Tree Officer.

CHAPTER IV

Duties of tree authority

7. Duties of Tree Authority. — Notwithstanding anything contained in (the relevant Act or) any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for—

(a) the preservation of all trees within its jurisdiction;

(b) carrying out census of the existing trees and obtaining whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;

(c) specifying standards regarding the number and kind of trees which each locality, type of land and premises shall have and which shall be planted subject to a minimum of five trees per hectare in the case of rural areas;

(d) development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;

(e) planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;

(f) organisation of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;

(g) planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, in public parks and gardens and on the banks of rivers or lakes or seashores;

(h) undertaking such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;

(i) undertaking critical study of the proposals of various Government Departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible; and

(j) promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.

CHAPTER V

Restrictions on Felling and removal of trees and liabilities for preservation of trees

8. Restriction on felling and removal of trees. — Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no person shall fell or remove or dispose of any tree in any land whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer.

Provided that if the tree is not immediately felled there would be grave danger to life or property or traffic, the owner or the occupant of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.

9. Procedure for obtaining permission to fell, cut, remove or dispose of a tree. — (1) Any person desiring to fell or remove or otherwise dispose of by any means a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of the documents in support of ownership over the land, the number and kind of trees to be cut, their girth measured at a height of 1.35 metres from ground level and the reasons therefor, survey sketch showing clearly the site and survey numbers of the property.

(2) The application shall be submitted to the Tree Officer through the revenue official of the area not below the rank of Mamlatdar who shall forward the same to the Tree Officer after verification of the documents produced in support of the ownership of the land provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(3) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing refuse permission:

Provided that such permission shall not be refused if the tree —

- (i) is dead, diseased or wind-fallen; or
- (ii) is silviculturally mature provided it does not occur on a steep slope; or
- (iii) constitutes a danger to life or property; or
- (iv) constitutes obstruction to traffic; or
- (v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or
- (vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof or any part thereof for bonafide use of fuel, fodder, agricultural implements or other domestic use.

(4) The Tree Officer shall give his decision within thirty days from the date of receipt of the application.

(5) If the Tree Officer fails to communicate his permission or refusal within the period specified under sub-section (4), the permission referred to in section 8 shall be deemed to have been granted.

(6) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

10. Obligation to plant trees. — Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such

number and kind of trees in the area from which the tree is felled or disposed of by him under such permission, as may be directed by the Tree Officer:

Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligations to plant or tend any tree.

11. Planting of adequate number of trees in blank areas. — (1) Every owner or occupant of land shall, within a period of two years from the date of commencement of this Act or within such extended period as the Tree Authority may specify in this behalf, plant trees in blank areas so as to conform to the standards specified by it under clause (c) of section 7.

(2) Where the Tree Officer is of the opinion that the number of trees in any land is not adequate according to standard referred to in sub-section (1) he may issue a notice to the owner or occupier of such land, as the case may be, to show cause as to why trees should not be planted in such land as may be specified in such notice.

(3) The notice referred to in sub-section (2) shall be given in such form and shall contain such particulars and shall be served in such manner as may be prescribed.

(4) The Tree Officer may, after considering the cause if any, shown by the owner or occupier of such land, direct him to plant such number and class of trees as may be specified in the direction.

12. Preservation of trees. — (1) Subject to the provisions of section 14, it shall be the duty of the owner or occupier of the land to comply with an order made under section 9, or a direction issued under section 10 or section 11 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.

(2) All the owners and occupiers shall effectively protect all the trees growing in the lands or the areas under their control and where the Tree Officer is of the opinion that adequate measures have not been taken to protect the trees from any damage, he may direct the owner or occupier, as the case may be, to take such measures. In case of default, the tree officer may himself arrange such measures and recover the expenditure thereon from the owner or occupier in the prescribed manner.

13. Implementation of order made or directions given under sections 9, 10 and 11 and recovery of expenditure on failure to comply with them. — (1) Every person who is under an obligation to plant trees under an order made under section 9 or a direction given under section 10 or section 11 shall start preparatory work within thirty days of the date of receipt of order or direction, as the case may be, and shall plant trees in accordance with such order or direction in the ensuing or following rainy season or within such extended time as the Tree Officer concerned may allow and shall provide adequate and effective protection to the trees that exist or are planted in the land or the area from any damage.

(2) In case of default by such person, the Tree Officer may cause trees to be planted and may

recover the cost of plantation from such person in the prescribed manner.

14. Adoption of trees. — Notwithstanding anything contained in this Act or in any other law for the time being in force, the Tree Authority may, subject to such terms and conditions as it may specify in that behalf, allow by a written permission any individual, body corporate or institution to adopt any tree for such period as may be specified in the permission and during such period the said individual, body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

15. Appeal. — (1) An appeal shall lie against the order or direction of the Tree Officer under sections 9, 10, 11 and 12 to the Appellate Authority within such period as may be prescribed.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963 (Central Act 36 of 1963) with respect to computation of periods of Limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the order or direction appealed against and shall be accompanied by a fee of one hundred rupees.

(5) In disposing of an appeal the Appellate Authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(6) Where an appeal is made in time, the period for compliance specified in the order or direction of the Tree Officer shall be reckoned from the date on which the appeal is decided against the appellant and where the appeal is allowed half the fee paid under sub-section (4) shall be refunded to the appellant.

(7) A second appeal shall lie against any order passed in first appeal to the Tree Authority whose decision shall be final. Such appeal shall be heard by not less than three members of the Tree Authority.

(8) Every petition for second appeal shall state succinctly the grounds on which the order appealed from is attracted and shall be addressed to the Secretary, Tree Authority and be accompanied by a copy of such order unless the Appellate Authority dispenses with such order.

CHAPTER VI

Penalties and Procedure

16. Seizure of property. — Where the Tree Officer has reasons to believe that an offence under this

Act is committed in respect of any tree, he may seize the tools, implements, any boats, vehicles, animals or other conveyances used for the commission of the said offence, alongwith the tree or part thereof which has been severed from the ground or the trunk, as the case may be.

17. Forfeiture of timber and other produce from the tree, implements used for felling and the vehicle and animal used for transport of such trees. — (1) Where any person is convicted of an offence under this Act, any timber or the tree in respect of which an offence is committed, the tools and implements used for felling, and any boats, vehicles, animals or other conveyances used for its transport, may be ordered by the court to be forfeited to Government.

(2) Any timber produce from the tree, tools and implements etc. and any boats, animals or other conveyances forfeited under sub-section (1) shall be disposed of by the Tree Officer in such manner as may be prescribed.

18. Power to release property seized under section 16. — The Tree Officer may release the properties seized under section 16 if the owner or occupant of the land thereof executes a bond for their production whenever required.

19. Power to arrest without warrant. — (1) Any Tree Officer or a Forest Officer not below the rank of a Forest Ranger or police officer not below the rank of a Sub-inspector may, without a warrant, arrest any person reasonably suspected of having been concerned in any offence under this Act, or if such person refuses to give his name or address or gives a name or address which the concerned officer has reason to believe to be false or if he has reason to believe that the person will abscond.

(2) Any person arrested under sub-section (1) shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate having jurisdiction in the case within twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of the Magistrate.

20. Power to release person arrested. — Any officer who has arrested any person under the provisions of sub-section (1) of section 19 may release such person on his executing a bond with proper surety to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the Police or the Forest Officer not below the rank of Deputy Conservator of Forests or the Tree Officer concerned where the Tree Officer is of the rank of the Deputy Conservator of Forests.

21. Power to prevent commission of offence. — Every Tree Officer or his subordinates or any Forest, Revenue or Police Officer shall prevent and may interfere for the purpose of preventing the commission of any offence under this Act.

22. Power to compound offence. — (1) The Government may by notification empower a Tree Officer where the Tree Officer is of the rank of a Deputy

Conservator of Forests or any Forest Officer not below the rank of Deputy Conservator of Forests —

(a) to compound any offence committed under this Act on payment of —

(i) a sum of not less than five hundred rupees and not exceeding five thousand rupees by way of composition for the offence which such person is suspected to have committed, and

(ii) the value of timber and other produce if any, from the tree in respect of which the offence has been committed.

(b) to release any property seized or liable to confiscation, on payment of the value thereof, as estimated by such officer and the amount determined as payable for composition of the offence, as ordered by the Tree Officer or any Forest Officer, as the case may be.

(2) On the payment of such sums or such value or both, as the case may be, to such officer, the property seized and the offender, if in custody, shall be released and no further proceedings shall be taken against such offender or property.

23. Contravention of Act to be reported by certain officers. — It shall be the duty of every forest officer, panchayat secretary, police constable or any officer superior to him and every officer of the Departments of Agriculture, Land Survey and Revenue —

(a) to give immediate information coming to his knowledge, of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forests;

(b) to take all reasonable measures in his power to prevent such contravention which he may know or have reason to believe that it is about or likely to be committed.

24. Offences by companies. — (1) If the person committing an offence under this Act is a Company, the Company as well as every person in charge of and responsible to the Company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a Company and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, treasurer or other officer of the Company, such director, manager, secretary, treasurer or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section —

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

25. Penalty. — (1) Any person who contravenes any of the provisions of this Act or rules or orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Every Forest Officer or Police Officer who vexatiously and unnecessarily arrests or seize any property on pretence of such property being liable to forfeiture under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

26. Award of penalty or forfeiture not to interfere with other punishment. — The award of penalty or forfeiture of any property under this Act shall not prevent the inflicting of any punishment to which the person affected thereby is liable under any other law.

CHAPTER VII

Miscellaneous

27. Officers to be public servants. — The officers exercising powers or discharging any duties or functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

28. Bar of proceedings. — No suit or proceedings shall lie against the Government or any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything done or purporting to be done or omitted to be done in good faith under this Act or the rules and orders made thereunder.

29. Executions of order for payment of money. — Any sum, including any amount for composition of an offence, the payment of which has been directed to be made by any person under this Act, shall without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

30. Act not to apply to certain areas. — The provisions of this Act shall not apply to —

(i) Government forests under the control of the Forest Department;

(ii) a forest or forest land notified under the Indian Forest Act, 1927;

(iii) Government Garden;

(iv) areas declared as Wild Life Sanctuaries and National Parks, Wild Life Reserves, Shooting Blocks and other areas as provided in the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972); and

(v) other lands and areas under the charge of the Government.

31. Power of the Government to exempt. — Subject to such conditions, if any, as may be imposed, the Government may, if it considers it necessary so to do in the public interest, by notification, exempt any area or any species of trees from all or any of the provisions of this Act.

32. Power of the Government for preservation of trees. — (1) The Government may in the interest of general public, declare by notification that any class of trees shall not be felled for such period as is specified in that notification.

(2) The management of such trees shall be regulated in the prescribed manner.

33. Investing Tree Officer with certain powers. — (1) The Government may, by notification, invest the Tree Officers and other officers with all or any of the following powers, namely: —

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to issue a search warrant under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(d) power to hold enquiries into offences under the Act and in the course of such enquiry to receive and record evidence;

(e) power to take possession of property under the Act;

(f) power to direct release of property or withdrawal of charges;

(g) power to require any person to plant tree or trees of suitable species in adequate numbers on any land owned or occupied by him.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate if such evidence has been taken in the presence of the accused person and recorded in the manner provided by section 274, section 276 or section 277 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

34. Transit of felled material. — The provisions of section 41 of the Indian Forest Act, 1927 (Central Act 16 of 1927) and Chapter V of the Goa, Daman and Diu Forest Rules, 1964 shall *mutatis mutandis*, apply to the transit of the felled trees under this Act.

35. Power of the Government to give direction. — The Government may from time to time give to the Tree Officers, other officers of the Tree Authority and officers subordinate to them general or special directions regarding the discharge of their functions and for carrying out effectively the purposes of this Act, and such Tree Officers and other officers shall comply with the directions issued.

36. Power to make rules. — The Government may, by notification, make rules to carry out the purposes of this Act.

37. Provision of this Act to be in addition to any other law for the time being in force. — Nothing in this Act shall be deemed to affect the operation of any other law and the rules made thereunder and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Act and rules made thereunder.

SCHEDULE I

(See section 2)

Areas comprising of land, outside the urban areas, under cultivation of coconut, areca-nuts, rubber, cocoa, cashewnut, mango, sapota or any other horticultural crop, including woodlots and land belonging to the Government and leased out in favour of others.

SCHEDULE II

(See section 2)

Areas comprising of lands outside the urban areas other than those included in Schedule I.

Statement of Objects and Reasons

Goa, Daman and Diu is perhaps the only territory in the Country where the private forests are still in existence while in other states the private forests have been taken over by the Government, long back. Though as per the old statistics the forest area in this Union territory is shown as 1053 sq. kms. provisionally, figures given by the Land Survey Department indicate that the Government forest cover only about 888 sq. kms. which is hardly about 24% of the Geographical area. Large chunks of these forests too have been encroached upon or brought under cumeri cultivation. Thus, the effective forest area is still less. Besides, 250 sq kms. of forests are lying under the control of private parties and Comunidades in this Union territory, most of which are in badly degraded state for want of proper management and care.

Considering the situation arising out of mining activity, topographical features, rainfall etc., the forests are found to be vital for this Union territory to conserve soil, water, environment and last but not the least to meet the timber and firewood needs of the local people.

Goa, Daman and Diu Forest Rules, 1964 as well as the Land Revenue Code, 1968 provide that felling of trees in private lands can be done only with the permission of the Forest Department and Collector but there is nothing in these Rules/Code to refuse such permission even when it is felt that such felling of trees will be against the larger interest of the territory. In view of the soaring prices of the timber and firewood coupled with the fear in the public mind that large tracts of the private forests may be taken over by the Government under the proposed Land Ceiling Act, there is tremendous rush for issue of licences for felling of trees from the private properties.

If wanton destruction of God given natural forests/trees with or without formal permission continues at the present rate speed, it will not be long before Goa will have no vegetation worth the name outside Government forests. The lands which are being cleared in the name of extending cultiva-

tion/horticulture too will be rendered useless as a result of soil erosion and intense laterisation which are quick to follow, if adequate measures to develop the land are not taken immediately after the vegetation is broken.

Under these circumstances it is necessary that the felling of trees in private forests which are mainly confined to the natural forests existing in this Union territory from time immemorial, is halted and more trees grown in the larger interests of the local populace. "The Goa, Daman and Diu Preservation of Trees Bill, 1982" seeks to achieve this purpose.

Financial Memorandum

The bill provides for the preservation of trees and development of such private areas as are found necessary.

No revenue is forecast except the fines and compensations realised by compounding the offences under clause 22 of the Bill as the object of the Bill is to regulate cutting of trees in private lands.

The provisions of the Bill will be mainly carried out by the officials concerned with its implementation in the normal discharge of their duties.

Memorandum regarding Delegated Legislation

Clause 36 of the Bill enables the Government to frame rules to carry out the purposes of this Bill. This delegation is of normal character.

Panaji. PRATAPSING R. RANE
17th March, 1982 Chief Minister

Assembly Hall, M. M. NAIK
Panaji. Secretary to the Legislative Assembly
22nd March, 1982 of Goa, Daman and Diu

LA/B/7/588/82

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 31st March, 1982 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Mundkars (Protection from Eviction) (Amendment) Bill, 1982

(Bill No. 13 of 1982)

A
BILL.

to amend the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1982.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-third Year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Mundkars (Protection from Eviction) (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 12th day of March, 1976.

2. *Amendment of section 7.*—In section 7 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (hereinafter called "the principal Act"), the expression "without, in any way, increasing the plinth area thereof" shall be deleted.

1 of 1976

3. *Amendment of section 15.*—In sub-section (3) of section 15 of the principal Act,

(i) after the words "shall be" and before the words "the market value", the words "twenty percent" shall be inserted;

(ii) in the first proviso, after the words "deducted from" and before the words "the market value" the words "twenty percent" shall be inserted;

(iii) the second proviso shall be deleted.

Statement of Objects and Reasons

The proposed amendment to Section 15 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 seeks to give right to all mundkars, including a mundkar who has been permitted to occupy the dwelling house by the bhatkar for the purpose of cultivation of or for the purpose of watching and protecting an agricultural land of the bhatkar and is actually rendering such service and continue to render such service with or without remuneration or where a mundkar is an agricultural labourer or village artisan, to purchase the dwelling house at 20% of the value payable.

Presently, it is noticed that it is difficult to prove the fact of rendering of service by the mundkar. Hence it is felt expedient to grant all the mundkars the right to purchase such house with sites, at the concessional rate of 20% of the market value.

Section 7 of the principal Act gives the mundkar the right to repairs, maintain and improve the dwelling house. The proposed amendment to section 7 seeks to give him right to extend the plinth area limited to norms prescribed by the local authority.

Financial Memorandum

No financial implications are involved in the implementation of this Bill.

Panaji, DILKUSH F. DESAI
17th March, 1982 M. L. A.

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
24th March, 1982 Assembly of Goa, Daman and Diu.

(Annexure to Bill No. 13 of 1982)

The Goa, Daman and Diu Mundkars (Protection from Eviction) (Amendment) Bill, 1982

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975
(Act No. 1 of 1976)

7. *Mundkar to have right to repairs, maintain and improve his dwelling house.*—A mundkar shall have a right to maintain, repair, improve or reconstruct his dwelling house

without, in any way, increasing the plinth area thereof. He shall have, also, the right to have electricity supply and supply of pipe water, on the same terms and conditions as are applicable to any owner of a house.

15. *Right of mundkar to purchase the dwelling house.*—(1) Notwithstanding anything to the contrary contained in any law for the time being in force, a mundkar shall, subject to the provisions of this Act have the right to purchase the dwelling house occupied by him.

(2) The maximum extent of land around or appurtenant to the dwelling house which a mundkar is entitled to purchase under this section shall be as indicated under sub-clause (i) of clause (1) of section 2.

(3) The purchase price payable by the mundkar for his dwelling house shall be the market value of the dwelling house purchased and the improvement thereon, other than the improvement, if any, belonging to the mundkar:

Provided that, when the house, hut or any structure with its materials belong, wholly or partly, to the mundkar, the corresponding value shall be deducted from the market value and, in such case, the purchase price shall be the balance left after deducting the corresponding value from the market value:

Provided further that—

(a) when a mundkar has been permitted to occupy the dwelling house by the bhatkar for the purpose of cultivation of, or for the purpose of watching and protecting, an agricultural land of the bhatkar and is actually rendering such service and continues to render such service with or without remuneration; or

(b) where a mundkar is an agricultural labourer or a village artisan; or

(c) where the annual income of a mundkar, being a person belonging to Scheduled Castes or the Scheduled Tribes and not falling under clause (a) or clause (b), from all sources does not exceed rupees three thousand and six hundred; then the purchase price payable by such mundkar and a member of his family shall be twenty per cent of the market value payable.

Explanation.—For the purposes of this sub-section—

(a) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 of the Constitution to be Scheduled Castes in relation to the Union territory of Goa, Daman and Diu;

(b) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 of the Constitution to be Scheduled Tribes in relation to the Union territory of Goa, Daman and Diu.

(4) The purchase price payable under sub-section (3) in respect of the dwelling house shall be paid in not more than ten equal annual instalments:

Provided that, it shall be open to the mundkar to pay the entire purchase price in lumpsum, in which case, the amount payable shall be only ninety per cent of the purchase price.

(5) The market value of the dwelling house, shall be decided by the Mamlatdar, after making such inquiry as he deems necessary and in the prescribed manner.

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative

24th March, 1982.

Assembly of Goa, Daman and Diu